

COMMONWEALTH OF PENNSYLVANIA

Legislative Journal

TUESDAY, SEPTEMBER 30, 1980

Session of 1980

164th of the General Assembly

No. 64

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

THE SPEAKER (H. JACK SELTZER) IN THE CHAIR

PRAYER

THE HONORABLE RONALD GAMBLE, member of the House of Representatives and guest chaplain, offered the following prayer:

Dear God, we ask Your divine guidance as we deliberate here today, Your divine guidance that we may respond according to Your will, and that our decisions are compatible with Your word. And we ask, Dear God, that You grant us wisdom to discern Your truth from heaven above. Then from error, let us turn and live in faith and love. In Jesus' name we pray. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was enunciated by members.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal for Monday, September 29, 1980, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2953 By Representatives ALDEN, FREIND, CIVERA AND GLADECK

An Act amending the "Public Employe Relations Act," approved July 23, 1970 (P. L. 563, No. 195), requiring notice to local school authorities prior to a strike by school bus drivers.

Referred to Committee on LABOR RELATIONS, September 29, 1980.

No. 2954 By Representatives HASAY, F. TAYLOR, PRATT, CALTAGIRONE AND COCHRAN

An Act amending the "Liquor Code," approved April 12, 1951 (P. L. 90, No. 21), providing for the waiver of certain late filing fees by the board.

Referred to Committee on LIQUOR CONTROL, September 29, 1980.

No. 2955 By Representatives HASAY AND McCALL

An Act amending the "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," approved March 11, 1971 (P. L. 104, No. 3), further defining "income" to exclude Federal Black Lung Benefits.

Referred to Committee on HEALTH AND WELFARE, September 29, 1980.

No. 2956 By Representatives FREIND, CIVERA, MICOZZIE, SPITZ, ALDEN, GANNON, ARTY AND DURHAM

An Act amending "The First Class Township Code," approved June 24, 1931 (P. L. 1206, No. 331), increasing the authorized millage limit for support of fire companies and ambulance and rescue squads.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1980.

No. 2957 By Representatives ROCKS, ITKIN, COCHRAN, COHEN, McINTYRE, MAIALE, SPITZ, SALVATORE AND HELFRICK

An Act amending "The Insurance Company Law of 1921," approved May 17, 1921 (P. L. 682, No. 284), prohibiting the writing of policies of dread diseases.

Referred to Committee on INSURANCE, September 29, 1980.

No. 2958 By Representatives PRATT, F. TAYLOR AND CAPPABIANCA

An Act amending "The Fourth to Eighth Class County Assessment Law," approved May 21, 1943 (P. L. 571, No. 254), changing provisions relating to exemptions from per capita taxes, occupation taxes and occupational privilege taxes.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1980.

No. 2959 By Representatives PRATT AND F. TAYLOR

An Act amending "The County Code," approved August 9, 1955 (P. L. 323, No. 130), authorizing exemptions from the per capita tax.

Referred to Committee on LOCAL GOVERNMENT, September 29, 1980.

LEAVES OF ABSENCE GRANTED

The SPEAKER. The Chair recognizes the majority whip.

Mr. S. E. HAYES. Mr. Speaker, I request leaves of absence for the gentleman from Delaware, Mr. ALDEN, and for the gentleman from Crawford, Mr. SWIFT, for the day.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Pievsky.

Mr. PIEVSKY. Mr. Speaker, I request a leave of absence for the gentleman from Philadelphia, Mr. STREET, for the day.

The SPEAKER. Without objection, leaves will be granted.

MASTER ROLL CALL RECORDED

The SPEAKER. Will the members please report to the floor in order that the Chair may take a master roll? The members will proceed to vote, and only those members in their seats may be recorded.

The following roll call was recorded:

PRESENT—177

| | | | |
|---------------|-----------------|----------------|-----------------|
| Anderson | Foster, W. W. | Levi | Richardson |
| Armstrong | Foster, Jr., A. | Levin | Rieger |
| Arty | Freind | Lewis | Rocks |
| Austin | Fryer | Livengood | Rodgers |
| Belardi | Gallagher | Lynch, E. R. | Ryan |
| Beloff | Gallen | McCall | Scheaffer |
| Bennett | Gamble | McClatchy | Schmitt |
| Berson | Gannon | McIntyre | Schweder |
| Bittle | Geesey | McKelvey | Serafini |
| Borski | Geist | McVerry | Seventy |
| Bowser | George, C. | Mackowski | Shupnik |
| Brandt | George, M. H. | Madigan | Sieminski |
| Brown | Giammarco | Maiale | Sirianni |
| Burd | Gladeck | Manmiller | Smith, E. H. |
| Burns | Goebel | Michlovic | Smith, L. E. |
| Caltagirone | Goodman | Micozzie | Spencer |
| Cappabianca | Grabowski | Milanovich | Stairs |
| Cessar | Gray | Miller | Steighner |
| Chess | Grieco | Moehlmann | Stewart |
| Cimini | Gruppo | Mowery | Stuban |
| Civera | Hagarty | Mrkonic | Taddonio |
| Clark, B. D. | Harper | Mullen | Taylor, E. Z. |
| Clark, M. R. | Hasay | Murphy | Taylor, F. |
| Cochran | Hayes, Jr., S. | Nahill | Telek |
| Cohen | Helfrick | Novak | Thomas |
| Cole | Hoeffel | Noye | Trello |
| Cornell | Honaman | O'Brien, B. F. | Vroon |
| Coslett | Hutchinson, A. | O'Donnell | Wachob |
| Cowell | Hutchinson, W. | Oliver | Wargo |
| Cunningham | Irvis | Perzel | Wass |
| DeMedio | Itkin | Peterson | Wenger |
| DeVerter | Johnson, E. G. | Petrarca | White |
| DeWeese | Jones | Phillips | Wilson |
| DiCarlo | Kanuck | Piccola | Wilt |
| Dawida | Klingaman | Pievsky | Wright, D. R. |
| Dietz | Knepper | Pistella | Wright, Jr., J. |
| Dininni | Knight | Pitts | Yahner |
| Dombrowski | Kolter | Polite | Zeller |
| Donatucci, R. | Kowalyshyn | Pott | Zitterman |
| Dorr | Kukovich | Pratt | Zord |
| Duffy | Lashinger | Pucciarelli | Zwilk |
| Durham | Laughlin | Punt | |
| Earley | Lehr | Pyles | Seltzer, |
| Fischer | Lescovitz | Rasco | Speaker |
| Fisher | Letterman | Reed | |

ADDITIONS—15

| | | | |
|--------|----------------|-----------|-------|
| Barber | Gatski | Rappaport | Spitz |
| Davies | Greenfield | Rhodes | Sweet |
| Dumas | Johnson, J. J. | Ritter | Yohn |
| Fee | Manderino | Salvatore | |

NOT VOTING—4

| | | | |
|-----------|----------------|----------|----------|
| Halverson | O'Brien, D. M. | Shadding | Williams |
|-----------|----------------|----------|----------|

EXCUSED—4

| | | | |
|-------|-----------|--------|-------|
| Alden | McMonagle | Street | Swift |
|-------|-----------|--------|-------|

MEMBERS' PRESENCE RECORDED

The SPEAKER. The following members ask that their names be added to the master roll:

The gentleman from Lawrence, Mr. Fee; and the gentleman from Berks, Mr. Davies.

CALENDAR

BILL AGREED TO ON SECOND CONSIDERATION

The following bill, having been called up, was considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2291, PN 3962.

The House proceeded to second consideration of **HB 2822, PN 3921**, entitled:

An Act establishing a Department of Corrections; providing for correctional facilities for inmates, for administration of correctional field services, for joint county detention facilities and for the powers of courts with respect to offenders, establishing the Pennsylvania Parole Commission and providing for its powers and duties and making repeals.

On the question,

Will the House agree to the bill on second consideration?

HB 2822 RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that HB 2822 be recommitted to the Appropriations Committee for a fiscal note.

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Fisher.

Mr. D. M. FISHER. Mr. Speaker, on Mr. Ryan's motion to refer HB 2822 to the Appropriations Committee, I would move that the rules of the House—

The SPEAKER. The gentleman is not in order. There is a motion before the House. The gentleman is recognized to debate the motion.

Does the gentleman, Mr. Fisher, wish to debate the motion?

Mr. D. M. FISHER. Yes, Mr. Speaker.

Mr. Speaker, I think everybody is cognizant of the fact that the House and the Senate are soon to adjourn, not only for the pre-election recess but for the entire session.

The bill which is before us, the subject of the motion by the majority leader, is a bill which would establish a new department of corrections in Pennsylvania. I believe it is very much part and parcel of the resolution of the problem involving the Attorney General. There are also some other basic reforms in the bill. It is my opinion, knowing the legislative process as it is, that if this bill is referred to the Appropriations Committee—and that says nothing for the Appropriations Committee or its chairman, Mr. McClatchy, whom I have great respect for—but I am very fearful that sending this bill to the Appropriations Committee will mean that we will be unable to consider this bill before the session adjourns.

Now, an additional reason that I believe that it is not necessary to send this bill to the Appropriations Committee is as follows: When the bill was considered by the Judiciary Committee on September 16, 1980, previous to the time of its consideration, I obtained from the Office of Budget and Administration what I believe would be the basis of a fiscal note that would be provided by this House Appropriations Committee. I have before me a fiscal note regarding this bill, which indicates that the total fiscal impact beginning on the effective date of the bill of July 1, 1981, would be \$314,000. Approximately half of that fiscal impact would be one-time expenditures which would not be repeating expenditures.

Now, the fiscal impact of \$314,000 I think should be compared to the question of how much the department of corrections' total budget is. Under HB 2822 the total budget will be in excess of \$100 million. So I think the fiscal impact is insignificant at best. I have before me a fiscal note which I would believe would be the same fiscal note that would be provided by the Appropriations Committee, and I do not believe under the circumstances the exigency of this situation for considering the department of corrections that there is any need to send this bill to the Appropriations Committee.

Now, I understand that under the rules of the House—I believe rule 22—that before this bill could receive second consideration, a fiscal note would have to be attached. For that reason I attempted to make a motion, subsequent to the time of Mr. Ryan's motion, to suspend the rules. The Chair properly ruled me out of order, but before I give up *this fight*, I would like to make a motion to put Mr. Ryan's motion for referring the bill to the Appropriations Committee on the table. So I would move that Mr. Ryan's motion to refer the bill to the Appropriations Committee be put on the table at this time.

The SPEAKER. The gentleman is in error. There is no parliamentary procedure to put the motion on the table. *The gentleman can only put the subject matter, which is the bill, on the table.*

Mr. D. M. FISHER. Would the majority leader withdraw his motion to refer to the Appropriations Committee, to give me an opportunity to suspend the rules?

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I think the gentleman can accomplish what he is attempting to accomplish in the following fashion: If my motion to recommit to the Appropriations Committee is unsuccessful, before the bill can be called up on second reading, it would be up to you to suspend the rules at that time. It is a twofold step. I do not intend to call it up. If my motion to recommit fails, you could then try to call it up.

Mr. D. M. FISHER. Mr. Speaker, in that case, I would then urge the members of the House—I know there is a lot of noise and perhaps some of you have not been able to hear what I have said, but I would urge the members of the House—to cast a negative vote on Mr. Ryan's motion to refer this bill to the Appropriations Committee for a fiscal note. I will distribute to all the members a fiscal note, which would be, in my opinion, identical to the Appropriations Committee's fiscal note, for their desks prior to asking that the bill be called up on second consideration. I emphasize that the cost is \$314,000, which is insignificant. *Thank you, Mr. Speaker.*

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I have talked to the chairman of the Appropriations Committee, who advises me that the mere fact that Mr. Bittenbender from the Budget Office provides his idea of a fiscal note, that is not controlling on the House, and in fact the Appropriations Committee on numerous occasions reviews and changes that particular note. At the time of the calendar being marked, the minority leader and the minority whip both raised the question of the fiscal implications, and their query went beyond that which is considered by Mr. Bittenbender, and I believe that the position of the minority is the same as mine, that *this bill should go to the Appropriations Committee.* Accordingly, I would ask for a "yes" vote.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The following members ask that their names be added to the master roll:

The gentleman from Philadelphia, Mr. Rappaport; the gentleman from Lehigh, Mr. Ritter; the gentleman from Luzerne, Mr. Gatski; the gentleman from Philadelphia, Mr. Greenfield; the gentleman from Philadelphia, Mr. J. J. Johnson; the gentleman from Westmoreland, Mr. Manderino; the gentleman from Philadelphia, Mr. Dumas; the gentleman from Montgomery, Mr. Yohn; the gentleman from Philadelphia, Mr. Barber; and the gentleman from Philadelphia, Mr. Cohen.

CONSIDERATION OF HB 2822 CONTINUED

The SPEAKER. The Chair recognizes the minority whip.

Mr. MANDERINO. Mr. Speaker, I rise to support the motion to recommit this bill to the Appropriations Committee.

In addition to the fiscal implications that Mr. Fisher admits that this bill would have in the administration costs

of a new department of corrections in a secretary and deputy secretary and what all might be entailed, it has come to our attention that this bill does one other significant thing, and that is it takes all the special probation cases now being handled by the Commonwealth of Pennsylvania and dumps those cases back into the various counties from which they originated for handling and cost expenditure. There are some 4,000 special probation cases handled now by the Commonwealth of Pennsylvania for any number of reasons; 2,000 of those cases come from Mr. Fisher's own county of Allegheny. This bill would take those 2,000 cases back to Allegheny County and another 2,000 cases distributed among other counties of the Commonwealth and place the expenditure of the administration of those probation cases, the expenditure on case workers and administration back at the county level. In Allegheny County alone there is going to be close to \$1-million expenditure necessitated by the bill that Mr. Fisher is trying to move here today and not send to Appropriations Committee. He has completely ignored that, in discussing the fiscal impact, bills must go to the Appropriations Committee, not only because of their impact on state government and on our state budget, but because of the impact that the bills might have on any of the local governments of the Commonwealth. Certainly the counties would take on a very large expenditure to handle these 4,000 special probation cases.

Now, whether or not my \$1-million figure is correct or whether or not the 4,000 cases sent back to the counties might be eligible for some type of state aid or grant-in-aid are matters that are properly to be determined by the Appropriations Committee so that this House may be properly advised before it votes on the bill.

Mr. Speaker, I support the motion to recommit. There are tremendous fiscal impacts, not only at the state level, but at the local level, and I ask for an affirmative vote.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Kukovich.

Mr. KUKOVICH. I rise to support Mr. Fisher in a negative vote on the motion to recommit.

In response to Mr. Manderino, I think the figures relating to special probation cases are speculative. I think in actuality nobody can put a precise figure on what it would cost for probation cases to be handled in the counties.

I have a set of figures before me. They show that in 1977, outside Allegheny County, there were only 1,383 of those special probation cases. I would suggest that the cost would be rather nominal. We should also keep in mind that the state handles parole costs. The state gives grants-in-aids to the counties currently to handle special probation cases.

I do not see, on balance with the overwhelming need for this type of legislation, balancing that with the nominal cost through local counties on special probation cases is rather insignificant. I think we need this legislation. I think it is the first time in this entire session, probably the first time since I have been here that we have had a chance to try and do something positive regarding our penal system. This is an opportunity to do that, and I am afraid that if we

recommit, we will lose that chance. Mr. Speaker, I would ask the members to vote in the negative on this motion.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. White.

Mr. WHITE. I too rise to oppose the motion to recommit to the Appropriations Committee. There is a lot more in this particular legislation that is absolutely vital to the establishment of a fair and just department of corrections as a cabinet level position. This legislation has come about as a result of several discussions—

POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. Piccola. For what purpose does the gentleman rise?

Mr. PICCOLA. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. PICCOLA. I believe the motion is whether we recommit this bill to Appropriations Committee and abide by our rules and not on the merits of the legislation.

The SPEAKER. The Chair thanks the gentleman.

The Chair would hope that the gentleman, Mr. White, and any other members who wish to debate the motion will confine their remarks to the reasons why the bill should not be recommitted.

The gentleman may proceed.

Mr. WHITE. I would just then like to echo the statements that were made by my colleagues from Westmoreland County, Mr. Kukovich, and from Allegheny County, Mr. Fisher, in urging that the House vote in the negative on the motion to recommit to the Committee on Appropriations. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—132

| | | | |
|--------------|-----------------|----------------|---------------|
| Anderson | Foster, Jr., A. | Levin | Rodgers |
| Armstrong | Freind | Lewis | Ryan |
| Arty | Fryer | Livengood | Scheaffer |
| Belardi | Gallen | Lynch, E. R. | Schmitt |
| Beloff | Gannon | McCall | Schweder |
| Bennett | Gatski | McClatchy | Serafini |
| Bittle | Geesey | McKelvey | Shupnik |
| Borski | Geist | Mackowski | Sirianni |
| Bowser | George, C. | Madigan | Smith, E. H. |
| Brandt | George, M. H. | Manderino | Smith, L. E. |
| Burd | Giammarco | Manmiller | Spencer |
| Caltagirone | Gladeck | Micozzie | Stairs |
| Cappabianca | Goodman | Milanovich | Steighner |
| Civera | Greenfield | Moehlmann | Stuban |
| Clark, B. D. | Grieco | Mowery | Taylor, E. Z. |
| Clark, M. R. | Gruppo | Mrkonic | Taylor, F. |
| Cochran | Hasay | Nahill | Telek |
| Cole | Hayes, Jr., S. | Novak | Thomas |
| Cornell | Helfrick | Noye | Vroon |
| Coslett | Honaman | O'Brien, B. F. | Wargo |
| Cowell | Hutchinson, A. | Perzel | Wass |
| Cunningham | Irvic | Peterson | Wenger |
| DeMedio | Johnson, E. G. | Petrarca | Wilt |
| DeVerter | Jones | Phillips | Wright, D. R. |
| DiCarlo | Kanuck | Piccola | Yahner |
| Dietz | Klingaman | Pievsky | Yohn |
| Dininni | Knight | Pitts | Zeller |

| | | | |
|---------------|-----------|--------|-----------|
| Dombrowski | Kolter | Polite | Zitterman |
| Donatucci, R. | Kowalshyn | Pratt | Zord |
| Dorr | Laughlin | Punt | Zwinkl |
| Duffy | Lehr | Pyles | |
| Durham | Lescovitz | Reed | Seltzer, |
| Fischer | Letterman | Ritter | Speaker |
| Foster, W. W. | Levi | | |

NAYS—51

| | | | |
|---------|-----------|-------------|-----------------|
| Austin | Fisher | McIntyre | Rasco |
| Barber | Gallagher | McVerry | Rieger |
| Berson | Gamble | Maiale | Rocks |
| Brown | Goebel | Michlovic | Seventy |
| Burns | Grabowski | Miller | Sieminski |
| Cessar | Gray | Mullen | Stewart |
| Chess | Hagarty | Murphy | Taddonio |
| Cimini | Harper | O'Donnell | Trello |
| Cohen | Hoeffel | Oliver | Wachob |
| DeWeese | Itkin | Pistella | White |
| Dawida | Knepper | Pott | Wilson |
| Dumas | Kukovich | Pucciarelli | Wright, Jr., J. |
| Earley | Lashinger | Rappaport | |

NOT VOTING—14

| | | | |
|----------------|----------------|-----------|----------|
| Davies | Johnson, J. J. | Salvatore | Street |
| Fee | O'Brien, D. M. | Shadding | Sweet |
| Halverson | Rhodes | Spitz | Williams |
| Hutchinson, W. | Richardson | | |

EXCUSED—3

| | | |
|-------|-----------|-------|
| Alden | McMonagle | Swift |
|-------|-----------|-------|

The question was determined in the affirmative, and the motion was agreed to.

The SPEAKER. The bill is so recommitted.

REMARKS ON VOTE

The SPEAKER. For what purpose does the gentleman from Lawrence, Mr. Fee, rise?

Mr. FEE. Mr. Speaker, I would like to be recorded in the affirmative on the motion to recommit HB 2822. And please have my switch unlocked; it is not working.

The SPEAKER. The remarks of the gentleman will be spread upon the record; and before the next roll call is completed, the Chair will ask the gentleman whether or not he has been recorded.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1262, PN 1663**, entitled:

An Act amending the act of July 19, 1965 (P. L. 216, No. 117), entitled "An act authorizing the Secretary of Mines and Mineral Industries to acquire, either amicably or by condemnation, certain lands affected by open pit or strip mines;....," further providing for the acquisition and ultimate use of certain lands.

On the question,
Will the House agree to the bill on third consideration?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, we had no prior knowledge of amendments to this bill, and I just received an amendment

from Mr. Michlovic. I would ask that the bill be passed over temporarily until we have had an opportunity to review it.

The SPEAKER. Without objection, SB 1262 will be passed over temporarily.

REMARKS ON VOTE

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Davies.

Mr. DAVIES. Mr. Speaker, on HB 2822 for recommitment, I want to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The following members ask that their names be added to the master roll:

The gentleman from Philadelphia, Mr. Salvatore, and the gentleman from Allegheny, Mr. Rhodes.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 2617, PN 3464**, entitled:

An Act amending "The Fiscal Code," approved April 9, 1929 (P. L. 343, No. 176), further providing for investment of funds by the Treasury Department.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—186

| | | | |
|--------------|-----------------|--------------|---------------|
| Anderson | Fischer | Lescovitz | Reed |
| Armstrong | Fisher | Letterman | Rieger |
| Arty | Foster, W. W. | Levi | Ritter |
| Austin | Foster, Jr., A. | Levin | Rocks |
| Barber | Freind | Lewis | Rodgers |
| Belardi | Fryer | Livengood | Ryan |
| Beloff | Gallagher | Lynch, E. R. | Salvatore |
| Bennett | Gallen | McCall | Scheaffer |
| Berson | Gamble | McClatchy | Schmitt |
| Bittle | Gatski | McIntyre | Schweder |
| Borski | Geesey | McKelvey | Serafini |
| Bowser | Geist | McVerry | Seventy |
| Brandt | George, C. | Mackowski | Shupnik |
| Brown | George, M. H. | Madigan | Sieminski |
| Burd | Giammarco | Maiale | Sirianni |
| Burns | Gladeck | Manderino | Smith, E. H. |
| Caltagirone | Goebel | Manmiller | Smith, L. E. |
| Cappabianca | Goodman | Michlovic | Spencer |
| Cessar | Grabowski | Micozzie | Stairs |
| Chess | Gray | Milanovich | Steighner |
| Cimini | Greenfield | Miller | Stewart |
| Civera | Grieco | Moehlfmann | Stuban |
| Clark, B. D. | Gruppo | Mowery | Taddonio |
| Clark, M. R. | Hagarty | Mrkonic | Taylor, E. Z. |
| Cochran | Harper | Murphy | Taylor, F. |

| | | | |
|---------------|----------------|----------------|-----------------|
| Cohen | Hasay | Nahill | Telek |
| Cole | Hayes, Jr., S. | Novak | Thomas |
| Cornell | Helfrick | Noye | Trello |
| Coslett | Hoeffel | O'Brien, B. F. | Vroon |
| Cowell | Honaman | O'Donnell | Wachob |
| Cunningham | Hutchinson, A. | Oliver | Wargo |
| DeMedio | Hutchinson, W. | Perzel | Wass |
| DeVerter | Irvis | Peterson | Wenger |
| DeWeese | Itkin | Petrarca | White |
| DiCarlo | Johnson, E. G. | Phillips | Wilson |
| Davies | Johnson, J. J. | Piccola | Wilt |
| Dawida | Jones | Pievsky | Wright, D. R. |
| Dietz | Kanuck | Pistella | Wright, Jr., J. |
| Dininni | Klingaman | Pitts | Yahner |
| Dombrowski | Knepper | Polite | Yohn |
| Donatucci, R. | Knight | Pott | Zeller |
| Dorr | Kolter | Pratt | Zitterman |
| Duffy | Kowalyshyn | Pucciarelli | Zord |
| Dumas | Kukovich | Punt | Zwikl |
| Durham | Lashinger | Pyles | |
| Earley | Laughlin | Rappaport | Seltzer, |
| Fee | Lehr | Rasco | Speaker |

NAYS—0

NOT VOTING—11

| | | | |
|-----------|----------------|----------|----------|
| Gannon | O'Brien, D. M. | Shadding | Sweet |
| Halverson | Rhodes | Spitz | Williams |
| Mullen | Richardson | Street | |

EXCUSED—3

| | | |
|-------|-----------|-------|
| Alden | McMonagle | Swift |
|-------|-----------|-------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 427, PN 2709**, entitled:

An Act amending the "Public School Code of 1949," approved March 10, 1949 (P. L. 30, No. 14), providing an alternative payment plan for illness or accidental injury.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—183

| | | | |
|-------------|---------------|--------------|--------------|
| Anderson | Freind | Levi | Rieger |
| Armstrong | Fryer | Lewis | Ritter |
| Arty | Gallagher | Livengood | Rocks |
| Austin | Gallen | Lynch, E. R. | Rodgers |
| Belardi | Gamble | McCall | Ryan |
| Bennett | Gannon | McClatchy | Salvatore |
| Berson | Gatski | McIntyre | Scheaffer |
| Bittle | Geesey | McKelvey | Schmitt |
| Borski | Geist | McVerry | Schweder |
| Bowser | George, C. | Mackowski | Serafini |
| Brandt | George, M. H. | Madigan | Seventy |
| Brown | Giammarco | Maiale | Shupnik |
| Burd | Gladeck | Manderino | Sieminski |
| Burns | Goebel | Manmiller | Sirianni |
| Caltagirone | Goodman | Michlovic | Smith, E. H. |

| | | | |
|-----------------|----------------|----------------|-----------------|
| Cappabianca | Grabowski | Micozzie | Smith, L. E. |
| Cessar | Gray | Milanovich | Spencer |
| Cimini | Greenfield | Miller | Stairs |
| Civera | Grieco | Moehlmann | Steighner |
| Clark, B. D. | Gruppo | Mowery | Stewart |
| Clark, M. R. | Hagarty | Mrkonic | Stuban |
| Cochran | Harper | Mullen | Taddonio |
| Cohen | Hasay | Murphy | Taylor, E. Z. |
| Cole | Hayes, Jr., S. | Nahill | Taylor, F. |
| Cornell | Helfrick | Novak | Telek |
| Coslett | Hoeffel | Noye | Thomas |
| Cowell | Honaman | O'Brien, D. M. | Trello |
| Cunningham | Hutchinson, A. | O'Donnell | Vroon |
| DeMedio | Hutchinson, W. | Oliver | Wachob |
| DeVerter | Irvis | Perzel | Wargo |
| DeWeese | Itkin | Peterson | Wass |
| DiCarlo | Johnson, E. G. | Petrarca | Wenger |
| Davies | Johnson, J. J. | Phillips | White |
| Dawida | Jones | Piccola | Wilson |
| Dietz | Kanuck | Pievsky | Wilt |
| Dininni | Klingaman | Pistella | Wright, D. R. |
| Dombrowski | Knepper | Pitts | Wright, Jr., J. |
| Donatucci, R. | Knight | Polite | Yahner |
| Dorr | Kolter | Pott | Yohn |
| Duffy | Kowalyshyn | Pratt | Zeller |
| Durham | Kukovich | Pucciarelli | Zitterman |
| Earley | Lashinger | Punt | Zord |
| Fee | Laughlin | Pyles | Zwikl |
| Fischer | Lehr | Rappaport | |
| Fisher | Lescovitz | Rasco | Seltzer, |
| Foster, W. W. | Letterman | Reed | Speaker |
| Foster, Jr., A. | | | |

NAYS—0

NOT VOTING—14

| | | | |
|--------|----------------|------------|----------|
| Barber | Halverson | Richardson | Street |
| Beloff | Levin | Shadding | Sweet |
| Chess | O'Brien, B. F. | Spitz | Williams |
| Dumas | Rhodes | | |

EXCUSED—3

| | | |
|-------|-----------|-------|
| Alden | McMonagle | Swift |
|-------|-----------|-------|

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative.

Ordered, That the clerk present the same to the Senate for concurrence.

RECONSIDERATION OF VOTE ON HB 2077

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Grabowski.

Mr. GRABOWSKI. Mr. Speaker, I move that the vote by which HB 2077, PN 3838, was defeated on the 29th day of September, 1980, be reconsidered.

The SPEAKER. The Chair recognizes the gentleman from Erie, Mr. Dombrowski.

Mr. DOMBROWSKI. Mr. Speaker, I second the motion.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—182

| | | | |
|-----------|-----------------|-----------|--------|
| Anderson | Fisher | Letterman | Reed |
| Armstrong | Foster, W. W. | Levi | Rieger |
| Arty | Foster, Jr., A. | Levin | Ritter |
| Austin | Freind | Livengood | Rocks |

| | | | |
|---------------|----------------|----------------|-----------------|
| Barber | Gallagher | Lynch, E. R. | Rodgers |
| Belardi | Gallen | McCall | Ryan |
| Beloff | Gamble | McClatchy | Salvatore |
| Bennett | Gannon | McIntyre | Scheaffer |
| Berson | Gatski | McKelvey | Schmitt |
| Bittle | Geesey | McVerry | Schweder |
| Borski | Geist | Mackowski | Serafini |
| Bowser | George, C. | Madigan | Seventy |
| Brandt | George, M. H. | Maiale | Shupnik |
| Brown | Giammarco | Manderino | Sieminski |
| Burns | Gladeck | Manmiller | Sirianni |
| Caltagirone | Goebel | Michlovic | Smith, E. H. |
| Cappabianca | Goodman | Micozzie | Smith, L. E. |
| Cessar | Grabowski | Milanovich | Spencer |
| Chess | Gray | Miller | Stairs |
| Cimini | Greenfield | Moehlmann | Steighner |
| Civera | Grieco | Mowery | Stewart |
| Clark, B. D. | Gruppo | Mrkonic | Stuban |
| Clark, M. R. | Hagarty | Mullen | Taddonio |
| Cohen | Harper | Murphy | Taylor, F. |
| Cole | Hasay | Nahill | Telek |
| Cornell | Hayes, Jr., S. | Novak | Thomas |
| Coslett | Helfrick | Noye | Trello |
| Cowell | Hoeffel | O'Brien, B. F. | Vroon |
| Cunningham | Honaman | O'Donnell | Wachob |
| DeMedio | Hutchinson, A. | Oliver | Wargo |
| DeVerter | Irvic | Perzel | Wass |
| DeWeese | Itkin | Peterson | Wenger |
| DiCarlo | Johnson, E. G. | Petrarca | White |
| Davies | Johnson, J. J. | Phillips | Wilson |
| Dawida | Jones | Piccola | Wilt |
| Dietz | Kanuck | Pievsky | Wright, D. R. |
| Dininni | Klingaman | Pistella | Wright, Jr., J. |
| Dombrowski | Knepper | Pitts | Yahner |
| Donatucci, R. | Knight | Polite | Yohn |
| Dorr | Kolter | Pott | Zeller |
| Duffy | Kowalshyn | Pratt | Zitterman |
| Dumas | Kukovich | Pucciarelli | Zord |
| Durham | Lashingner | Punt | Zwikl |
| Earley | Laughlin | Pyles | |
| Fee | Lehr | Rappaport | Seltzer, |
| Fischer | Lescovitz | Rasco | Speaker |

NAYS—1

Lewis

NOT VOTING—14

| | | | |
|-----------|----------------|----------|---------------|
| Burd | Hutchinson, W. | Shadding | Sweet |
| Cochran | O'Brien, D. M. | Spitz | Taylor, E. Z. |
| Fryer | Rhodes | Street | Williams |
| Halverson | Richardson | | |

EXCUSED—3

| | | |
|-------|-----------|-------|
| Alden | McMonagle | Swift |
|-------|-----------|-------|

The question was determined in the affirmative, and the motion was agreed to.

On the question recurring,
Shall the bill pass finally?

**HB 2077 PLACED ON FINAL PASSAGE
POSTPONED CALENDAR**

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Grabowski.

Mr. GRABOWSKI. Mr. Speaker, I move that HB 2077 be placed on the final passage postponed calendar.

On the question,
Will the House agree to the motion?

Motion was agreed to.

SENATE MESSAGE

**AMENDED HOUSE BILL
RETURNED FOR CONCURRENCE**

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 34, PN 3948.

The SPEAKER. The bill will appear on the calendar.

**COMMUNICATION FROM THE SECRETARY
OF ENVIRONMENTAL RESOURCES**

Commonwealth of Pennsylvania
Department of Environmental Resources
Harrisburg, Pa. 17120

September 30, 1980

**TO THE GENERAL ASSEMBLY OF THE
COMMONWEALTH OF PENNSYLVANIA:**

I am pleased to submit to the General Assembly these storm water management guidelines and model ordinances as directed by Section 14(b), Act of October 4, 1978 (P.L. 864, No. 167), known as the "Storm Water Management Act," and under the procedures provided in the Act of April 7, 1955 (P.L. 23, No. 8), known as the "Reorganization Act of 1955."

The Storm Water Management Act is a major step toward stabilizing Pennsylvania's flooding problems. Flood control projects designed in years past are losing their effectiveness as new developments increase the rate and quantity of storm water entering our streams. In Pennsylvania intensity of land use has caused a sharp rise in the number of flooding events. Since 1936 Pennsylvania has suffered 18 major floods accounting for total damages in excess of \$5.8 billion dollars. Although there is a tendency to look upon the great floods, such as 1936 and 1972, as remote and unprecedented events, the fact is that serious and moderate floods frequently cause extensive, localized damage to communities throughout the Commonwealth.

Storm water management is concerned with the planning, design and management of the flow and storage of surface waters resulting from large and small storms, including consideration of water quality and interaction with ground water.

The storm water management plans will stabilize the quantity and velocity of storm water which enters our streams. The plans will help to prevent downstream flooding, stream channel erosion and resulting siltation, provide a balance for existing biological habitat in streams, maintain or increase the flow to ground water and reduce the amount of non point source pollution.

Approval of these guidelines will give assistance to counties and local governments facing the increasing problems of accelerated storm water runoff. By passing the Storm Water Management Act, the General Assembly determined that proper storm water management is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Clifford L. Jones

(Report is on file with Journal clerk.)

STATEMENT BY MR. PITTS

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Pitts.

Mr. PITTS. Mr. Speaker, I was going to make some comments on the addendum to the report, the select committee on SEPTA - Southeastern Pennsylvania Transportation Authority. I do not want to hold up the voting of the House. I will wait until after the voting, if you wish.

The SPEAKER. We are ready to break for lunch. So if the gentleman wants to make his announcement, the Chair would suggest it is in order, and the gentleman may proceed.

Mr. PITTS. All right, Mr. Speaker, in accordance with the statements that we made on the floor of the House in January when we issued the initial report and in accordance with the letter of transmittal to the Speaker, we continued the investigation of the committee through the summer months, and I would like to briefly report on the findings and recommendations that are contained in the addendum to this report.

As you know, the primary report addressed the most severe and fundamental problems brought before the committee. This addendum includes the issues of joint economic development of transit terminals in Delaware and Montgomery Counties, also the public transportation capital budget process, as well as Conrail's management of SEPTA commuter rail service.

The committee held six public hearings during the month of August and toured commuter rail facilities and trackage within the SEPTA region. Additional information was gathered by the committee through research. We found that both the P&W terminal in Norristown and the 69th Street terminal in Upper Darby appear to have the potential to accrue considerable benefits for their communities and the transit system as joint development projects. We recommend state funding for both of these projects when they come before the House of Representatives for consideration in the public transportation capital budget bill.

We found that the problems associated with the public transportation capital budget process can be synthesized into two major areas: one, streamlining the capital budget procedures by the administration; and, two, annual passage of the mass transit capital budget by the General Assembly. The committee served as the impetus for some very fruitful discussions by the Department of Transportation, the Budget Office, and the Commonwealth transit agencies. We strongly suggested that the Department of Transportation continue these discussions initiated under the auspices of the committee and implement the resulting recommendation for streamlining, administratively, the capital budget procedures.

We urgently request and seriously suggest, Mr. Speaker, that greater consideration and diligence be given to an annual passage of the mass transit capital budget by the House of Representatives. The rehabilitation and proper maintenance of our existing public transportation capital assets and the improvements of these facilities and equip-

ment require an annual predictable capital budget. Moreover, a considerable amount of Federal financial assistance is lost as a result of our failure to enact an annual capital budget. There is, at this time, a public transportation capital budget before the House. House bill 2841 is in the Appropriations Committee. We urge that the House of Representatives promptly consider this bill to enable passage of public transportation capital budget before we adjourn this session.

Insofar as Conrail's operation of SEPTA commuter rail service, we found that Federal law and regulations do not provide an adequate framework within which SEPTA can properly monitor and control Conrail operations, nor do Federal law and regulations provide adequate incentives for Conrail to operate in an efficient and cost-effective manner. The agreement between SEPTA and Conrail is, by law, on a cost-and-material basis. There is no budget mechanism which limits expenditures and revenue requirements. Right now there is almost \$34 million in unpaid costs under dispute between Conrail and SEPTA. The Commonwealth has budgeted \$25 million in fiscal year 1980 for the subsidization of SEPTA's commuter rail service, and the Commonwealth has no direct relationship with, nor does it have any control over, Conrail. It is unclear what the Commonwealth's liability might be, if any, for the portion of the \$34 million in disputed unpaid cost.

It is our considered opinion that Conrail is inefficient in its operation and lacks managerial effectiveness. We have come to this conclusion after carefully weighing the testimony and data presented by PennDOT - Pennsylvania Department of Transportation - SEPTA and Conrail, and after reviewing two Federal reports which buttress these criticisms of Conrail. Recent reports by both the General Accounting Office and the United States Railway Association state that Conrail productivity is considerably below the railroad industry average.

To address these problems, we recommend that SEPTA take direct control of all phases of the operation of the commuter rail service. Conrail and SEPTA should explore a phased shift in control of these operations to allow for an orderly restructuring. We also recommend that the Transportation Committee or another select committee next session investigate railroad operations within the Commonwealth further. We believe that such a study is justified on the basis of the findings within our limited study. Several issues have not been addressed by this committee because they are simply too complex or because they are beyond the scope of the committee.

We are not convinced that SEPTA should be burdened because of historical factors with the responsibility of owning and maintaining an extensive system of railroad track. We have reservations about the effect of multiple track ownership on railroad operations in the region. Because Conrail has not demonstrated a sufficiently high level of productivity and economy in commuter rail operations and because the implications for work done elsewhere in the Commonwealth are clear, we are concerned about the

Commonwealth's present approach to railroad right-of-way rehabilitation as embodied in Act 24 of 1980. That was SB 915. We also note our concern about railroad safety regulations. As a result of our very modest inquiry in this area, we have concluded that this issue warrants a thorough review by the state.

Finally, Mr. Speaker, the committee wishes to report that we have before us one item of unfinished business. This is a review of the SEPTA reorganization plan which must be submitted to the General Assembly by SEPTA's local member governments by October 8, 1980, that is, next week, under the provisions of Act 101, 1980. This committee will receive the reorganization plan, review the proposal, and report finally by letter to the members of the House of Representatives at that time. Thank you, Mr. Speaker, for this opportunity to address the House.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I would like to yield to Mr. Rocks who wants to comment on Mr. Pitts' remarks, and I will hold by until after he is through.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Rocks.

Mr. ROCKS. I would hope that the Speaker would find it in order for me very briefly to comment on the capsulized report given by the gentleman, Mr. Pitts, from Chester County. Is that in order, Mr. Speaker?

The SPEAKER. It is about the best we have had all morning, Joe.

Mr. ROCKS. Mr. Speaker, because it is over a year ago that I sponsored in this chamber the resolution to begin the investigation of SEPTA, I would just like to take one moment and thank the chairman of that committee, Mr. Pitts, and our vice chairman, Mr. Rappaport, Mr. White, Mr. Nahill, Mr. Hoeffel, and Mr. Micozzie, for the attention that they were able to focus on the problem of mass transportation in this Commonwealth.

I think, as the debate proved during the first package of legislation introduced in this General Assembly as a result of the investigative committee, there is a great deal of attention today and a great deal of concern over the problems with mass transit across the state. I just rise to thank not only my fellow committee members but especially the leaders of that committee for the attention and, really, the Herculean effort they put into this investigation, and hope that our efforts will carry forward, not just to the end of this term but in the next term of this General Assembly. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. Mr. Speaker, I am sorry, but again another gentleman wants to comment on Mr. Pitts' remarks. I do not; I have another subject. So I would yield at this time to Mr. White.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. White.

Mr. WHITE. I appreciate the graciousness of my colleague from Lehigh County, Mr. Zeller. Amen to that says Rev. Wright.

Mr. Speaker, I would just like to join with Mr. Rocks in complimenting the members of the select committee investigating SEPTA. I think that the efforts of this committee over the past year are probably the clearest examples of a bipartisan effort to deal with the specifics of a very pressing problem that faces all of us across this Commonwealth. I think that the report and the addendum which is about to be released will go down in this legislative session and probably in sessions to come as one of the most forthright and comprehensive reports ever compiled by a committee of this House of Representatives.

I want to thank both the Democratic and the Republican leadership of the House for the cooperation that they have given us during this yearlong effort, and we look forward in Pennsylvania to making sure that we rise to the forefront in major reform of transportation to the best interests of the residents of this great Commonwealth. Thank you, Mr. Speaker.

STATEMENT BY MR. ZELLER

The SPEAKER. The Chair now recognizes the gentleman from Lehigh, Mr. Zeller.

Mr. ZELLER. I would like to have permission to make a brief statement.

The SPEAKER. The gentleman asks unanimous consent to make a brief statement. The Chair hears no objection. The gentleman may proceed.

Mr. ZELLER. This is very important, I feel; I really feel it is and to you, too, that one of the problems we have which is very serious is the lack of attendance by reporters here in the House during session, in that they cannot seem to get the information straight as to reporting on floor actions. They cry about not being able to attend executive sessions and caucus sessions, since they claim we are suspect in everything we do. However, they do not even attend open meetings and they get their reporting all fouled up. For example, on September 23, I would like to read to you a headline that appeared in the Allentown Morning Call, following my amendment to the Sunshine law. "Zeller Proposal Would Gut Sunshine Law." Well, anybody here in the House knows that that is not a fact. We were only dealing with funding. It had nothing to do with gutting the Sunshine law. In approaching the reporter, I received a note from her stating, Joe, I will see that a correction is filed on the "sunshine" story headline. Well, to date I have not seen it; if it has, it is probably in the obituary area, but I have not seen it. But instead, on September 29, "Fate of the State Not So Secure," written by the same reporter, it tells about how we are all ignorant in regard to the abortion action we took and in regard to the "sunshine" amendment that I had. We are considered ignorant.

Now, what bothers me—not bothers me so much; I am amused, really—the Philadelphia Bulletin got involved in the act, and they said yesterday that in regard to my report

on the floor of the House—and if you remember during the abortion discussion I said that my report in regard to rape was from the Minneapolis-St. Paul Police Department, and I asked the press to please get that straight. They did not. They got it all fouled up again. As a matter of fact, it is still in the Zeller report. So, that is fine; I will have a chance to write a letter to the editor and I will really shake them up real good, but the thing that bothers me is that I have a suggestion which would help to protect the first amendment, the right to know, which the newspapers hang their hat on, to hide behind when we ask for credibility and accuracy.

We have a tote board up here; we have a tote board to register attendance, roll calls, and so forth. I would like to see us, for the benefit of the press, install a rollcall roster board for them, for the news reporters, so their publisher knows whether or not they are here covering the people's business, or are they hiding in their offices or enjoying a happy hour in some local bar, or are they on a golf course somewhere. I feel that they should be responsible. I do not see one up there, and they should be here. They want responsible government, and I agree with them. I likewise feel they should agree on responsible attendance in reporting for the benefit of people they say they serve.

So, with that, I hope that we can get this tote board located for the benefit of their publishers and for the benefit of all of us in the public so that they know whether or not these people are going to hide or whether they are going to be here to report the people's business. Thank you very much.

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Wilson.

Mr. WILSON. There will be a brief continuance of this morning's meeting of the Consumer Affairs Committee in room 245 at the adjournment motion.

RULES COMMITTEE MEETING AND REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader for some announcements.

Mr. RYAN. Mr. Speaker, on the declaration of the recess, there will be an immediate meeting of the Rules Committee in my office. I would suggest that the caucuses, at least the Republican caucus, take lunch and report to the caucus room at 1:30 and that we return to the floor at 2:30.

NO DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. We have caucused on practically all of the bills on the calendar. It may be necessary for us to go off the floor for a brief caucus later in the afternoon, but there

is no need for the Democrats to report to the caucus chambers at this time. Thank you, Mr. Speaker.

RECESS

The SPEAKER. Without objection, this House now stands in recess until 2:30 p.m. The Chair hears none.

AFTER RECESS

The time of recess having expired, the House was called to order.

SENATE MESSAGE

SENATE BILLS FOR CONCURRENCE

The clerk of the Senate presented the following bills for concurrence:

SB 1244, PN 1545

Referred to Committee on Appropriations, September 30, 1980

SB 1269, PN 1574

Referred to Committee on Appropriations, September 30, 1980

SB 1420, PN 1810

Referred to Committee on Appropriations, September 30, 1980

SB 1422, PN 1813

Referred to Committee on Appropriations, September 30, 1980

SB 1426, PN 1829

Referred to Committee on Appropriations, September 30, 1980

SB 1431, PN 1838

Referred to Committee on Appropriations, September 30, 1980

SB 1476, PN 1920

Referred to Committee on Appropriations, September 30, 1980

SB 1479, PN 1940

Referred to Committee on Appropriations, September 30, 1980

SB 1488, PN 1964

Referred to Committee on Appropriations, September 30, 1980

SB 1531, PN 2040

Referred to Committee on Appropriations, September 30, 1980

SB 1532, PN 2041

Referred to Committee on Appropriations, September 30, 1980

| | |
|--|--|
| SB 1533, PN 2042 Referred to Committee on Appropriations, September 30, 1980 | Referred to Committee on Appropriations, September 30, 1980 |
| SB 1534, PN 2043 Referred to Committee on Appropriations, September 30, 1980 | SB 1549, PN 2058 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1535, PN 2044 Referred to Committee on Appropriations, September 30, 1980 | SB 1550, PN 2059 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1536, PN 2045 Referred to Committee on Appropriations, September 30, 1980 | SB 1551, PN 2060 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1537, PN 2046 Referred to Committee on Appropriations, September 30, 1980 | SB 1552, PN 2108 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1538, PN 2047 Referred to Committee on Appropriations, September 30, 1980 | SB 1553, PN 2062 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1539, PN 2048 Referred to Committee on Appropriations, September 30, 1980 | SB 1554, PN 2063 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1540, PN 2049 Referred to Committee on Appropriations, September 30, 1980 | SB 1555, PN 2064 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1541, PN 2050 Referred to Committee on Appropriations, September 30, 1980 | SB 1556, PN 2065 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1542, PN 2051 Referred to Committee on Appropriations, September 30, 1980 | SB 1557, PN 2066 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1543, PN 2052 Referred to Committee on Appropriations, September 30, 1980 | SB 1558, PN 2067 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1544, PN 2053 Referred to Committee on Appropriations, September 30, 1980 | SB 1559, PN 2068 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1545, PN 2054 Referred to Committee on Appropriations, September 30, 1980 | SB 1560, PN 2069 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1546, PN 2055 Referred to Committee on Appropriations, September 30, 1980 | SB 1561, PN 2070 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1547, PN 2056 Referred to Committee on Appropriations, September 30, 1980 | SB 1562, PN 2071 Referred to Committee on Appropriations, September 30, 1980 |
| SB 1548, PN 2057 | SB 1563, PN 2072 Referred to Committee on Appropriations, September 30, 1980 |

SB 1564, PN 2073

Referred to Committee on Appropriations, September 30, 1980

SB 1565, PN 2074

Referred to Committee on Appropriations, September 30, 1980

SB 1566, PN 2075

Referred to Committee on Appropriations, September 30, 1980

SB 1567, PN 2076

Referred to Committee on Appropriations, September 30, 1980

SB 1568, PN 2077

Referred to Committee on Appropriations, September 30, 1980

SB 1569, PN 2078

Referred to Committee on Appropriations, September 30, 1980

SB 1570, PN 2079

Referred to Committee on Appropriations, September 30, 1980

SB 1571, PN 2080

Referred to Committee on Appropriations, September 30, 1980

SB 1572, PN 2081

Referred to Committee on Appropriations, September 30, 1980

SB 1573, PN 2082

Referred to Committee on Appropriations, September 30, 1980

SB 1574, PN 2083

Referred to Committee on Appropriations, September 30, 1980

SB 1575, PN 2084

Referred to Committee on Appropriations, September 30, 1980

SB 1576, PN 2085

Referred to Committee on Appropriations, September 30, 1980

SB 1577, PN 2086

Referred to Committee on Appropriations, September 30, 1980

SB 1578, PN 2087

Referred to Committee on Appropriations, September 30, 1980

SB 1579, PN 2088

Referred to Committee on Appropriations, September 30, 1980

SB 1580, PN 2089

Referred to Committee on Appropriations, September 30, 1980

SB 1581, PN 2090

Referred to Committee on Appropriations, September 30, 1980

SB 1582, PN 2091

Referred to Committee on Appropriations, September 30, 1980

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2542, PN 3992 (Amended)

By Rep. YOHN

An Act amending the "Senior Citizens Property Tax or Rent Rebate and Older Persons Inflation Needs Act," approved March 11, 1971 (P. L. 104, No. 3), including charges for sewer rent and refuse.

FINANCE.

HB 2917, PN 3993 (Amended)

By Rep. YOHN

An Act amending the act of June 28, 1895 (P. L. 408, No. 289), entitled, as amended, "A supplement to the twenty-fourth section of an act, entitled 'An act to provide revenue by taxation, approved the seventh day of June, one thousand eight hundred and seventy-nine.' approved the first day of June, one thousand eight hundred and eighty-nine, amending the twenty-fourth section, by providing for the payment by the State Treasurer of the two per centum tax on premiums paid by foreign fire insurance companies to the treasurers of the several cities, towns, townships and boroughs, within this Commonwealth," providing for the imposition of penalties and interest on account of failing to report, inaccurately reporting or late reporting of tax.

FINANCE.

HB 2929, PN 3930

By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania Coalition Against Domestic Violence.

APPROPRIATIONS.

HB 2930, PN 3931

By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania Coalition Against Rape.

APPROPRIATIONS.

HB 2944, PN 3957

By Rep. McCLATCHY

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing for certain filing fees.

APPROPRIATIONS.

SB 683, PN 2139 (Amended)

By Rep. J. L. WRIGHT

An Act amending the act of January 28, 1966 (1965 P. L. 1625, No. 578), entitled "The Atomic Energy Development and Radiation Control Act," providing for certain notification in the event of malfunctions of nuclear power plants and providing a penalty.

MINES AND ENERGY MANAGEMENT.

SB 1172, PN 1439 By Rep. YOHN

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," adding and changing certain definitions relating to foundations.

FINANCE.

SB 1531, PN 2040 By Rep. McCLATCHY

An Act making an appropriation to the Erie Philharmonic Orchestra, Erie.

APPROPRIATIONS.

SB 1532, PN 2041 By Rep. McCLATCHY

An Act making an appropriation to the Lansdowne Symphony Orchestra Association.

APPROPRIATIONS.

SB 1533, PN 2042 By Rep. McCLATCHY

An Act making an appropriation to the American Wind Symphony Orchestra, Pittsburgh.

APPROPRIATIONS.

SB 1534, PN 2043 By Rep. McCLATCHY

An Act making an appropriation to the Schuylkill County Council for Arts.

APPROPRIATIONS.

SB 1535, PN 2044 By Rep. McCLATCHY

A Supplement to the act of April 1, 1863 (P. L. 213, No. 227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

SB 1536, PN 2045 By Rep. McCLATCHY

A Supplement to the act of July 28, 1966 (3rd Sp. Sess., P. L. 87, No. 3), entitled "University of Pittsburgh - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriations, and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

SB 1537, PN 2046 By Rep. McCLATCHY

A Supplement to the act of November 30, 1965 (P. L. 843, No. 355), entitled "Temple University - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

SB 1538, PN 2047 By Rep. McCLATCHY

A Supplement to the act of July 7, 1972 (P. L. 743, No. 176), entitled "Lincoln University - Commonwealth Act," making appropriations for carrying the same into effect, providing for a basis for payments of such appropriation, and providing a method of accounting for the funds appropriated.

APPROPRIATIONS.

SB 1539, PN 2048 By Rep. McCLATCHY

An Act making an appropriation to the Delaware Valley College of Science and Agriculture at Doylestown, Pennsylvania.

APPROPRIATIONS.

SB 1540, PN 2049 By Rep. McCLATCHY

An Act making an appropriation to the Trustees of Drexel University of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1541, PN 2050 By Rep. McCLATCHY

An Act making appropriations to the Hahnemann Medical College and Hospital of Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1542, PN 2051 By Rep. McCLATCHY

An Act making appropriations to the Thomas Jefferson University of Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1543, PN 2052 By Rep. McCLATCHY

An Act making appropriations to The Medical College of Pennsylvania, East Falls, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1544, PN 2053 By Rep. McCLATCHY

An Act making appropriations to the Trustees of the University of Pennsylvania.

APPROPRIATIONS.

SB 1545, PN 2054 By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1546, PN 2055 By Rep. McCLATCHY

An Act making an appropriation to the Philadelphia College of Art, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1547, PN 2056 By Rep. McCLATCHY

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1548, PN 2057 By Rep. McCLATCHY

An Act making an appropriation to the Philadelphia College of Textiles and Science.

APPROPRIATIONS.

SB 1549, PN 2058 By Rep. McCLATCHY

An Act making an appropriation to the Philadelphia College of Performing Arts, Philadelphia, Pennsylvania, for maintenance, general operation and student aid.

APPROPRIATIONS.

SB 1550, PN 2059 By Rep. McCLATCHY

An Act making an appropriation to Lankenau Hospital, Philadelphia for research.

APPROPRIATIONS.

SB 1551, PN 2060 By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania for cardiovascular studies.

APPROPRIATIONS.

SB 1552, PN 2108 By Rep. McCLATCHY

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1553, PN 2062 By Rep. McCLATCHY

An Act making an appropriation to the Downingtown Industrial and Agricultural School, Downingtown, Pennsylvania.

APPROPRIATIONS.

SB 1554, PN 2063 By Rep. McCLATCHY

An Act making an appropriation to the Johnson School of Technology of Scranton, Pennsylvania.

APPROPRIATIONS.

SB 1555, PN 2064 By Rep. McCLATCHY

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County, Pennsylvania.

APPROPRIATIONS.

SB 1556, PN 2065 By Rep. McCLATCHY

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

APPROPRIATIONS.

SB 1557, PN 2066 By Rep. McCLATCHY

An Act making an appropriation to the Wistar Institute-Research, Philadelphia, for the operation and maintenance of the institute.

APPROPRIATIONS.

SB 1558, PN 2067 By Rep. McCLATCHY

An Act making an appropriation to St. Francis Hospital, Pittsburgh.

APPROPRIATIONS.

SB 1559, PN 2068 By Rep. McCLATCHY

An Act making an appropriation to Inglis House of Philadelphia.

APPROPRIATIONS.

SB 1560, PN 2069 By Rep. McCLATCHY

An Act making an appropriation to St. Christopher's Hospital of Philadelphia, Pennsylvania for treatment of Cerebral Palsy.

APPROPRIATIONS.

SB 1561, PN 2070 By Rep. McCLATCHY

An Act making an appropriation to the Children's Hospital, Pittsburgh for Cerebral Dysfunction.

APPROPRIATIONS.

SB 1562, PN 2071 By Rep. McCLATCHY

An Act making an appropriation to the Lancaster Cleft Palate.

APPROPRIATIONS.

SB 1563, PN 2072

By Rep. McCLATCHY

An Act making an appropriation to the Pittsburgh Cleft Palate.

APPROPRIATIONS.

SB 1564, PN 2073

By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the Jefferson Medical College and Hospital of Philadelphia for a comprehensive program relating to Tay-Sachs disease.

APPROPRIATIONS.

SB 1565, PN 2074

By Rep. McCLATCHY

An Act making an appropriation to the Central Penn Oncology Group.

APPROPRIATIONS.

SB 1566, PN 2075

By Rep. McCLATCHY

An Act making an appropriation to the Burn Foundation of Greater Delaware Valley.

APPROPRIATIONS.

SB 1567, PN 2076

By Rep. McCLATCHY

An Act making an appropriation to the Sunshine Foundation, Philadelphia, Pennsylvania for chronically and terminally ill children.

APPROPRIATIONS.

SB 1568, PN 2077

By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the University of Pennsylvania for the general maintenance and operation of the University of Pennsylvania Museum.

APPROPRIATIONS.

SB 1569, PN 2078

By Rep. McCLATCHY

An Act making an appropriation to the Carnegie Museum at Pittsburgh, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

SB 1570, PN 2079

By Rep. McCLATCHY

An Act making an appropriation to the Franklin Institute of the Commonwealth of Pennsylvania at Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1571, PN 2080

By Rep. McCLATCHY

An Act making an appropriation to the Pennsylvania Academy of the Fine Arts, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1572, PN 2081

By Rep. McCLATCHY

An Act making an appropriation to the Academy of Natural Sciences of Philadelphia at Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1573, PN 2082

By Rep. McCLATCHY

An Act making an appropriation to the Museum of the Philadelphia Civic Center, Philadelphia, Pennsylvania, for maintenance and the purchase of apparatus, supplies and equipment.

APPROPRIATIONS.

SB 1574, PN 2083

By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the Buhl Planetarium and Institute of Popular Science, Pittsburgh, Pennsylvania.

APPROPRIATIONS.

SB 1575, PN 2084 By Rep. McCLATCHY

An Act making an appropriation to the Division of Education of the Philadelphia Museum of Art, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1576, PN 2085 By Rep. McCLATCHY

An Act making an appropriation to the Allentown Museum of Art at Allentown, Pennsylvania.

APPROPRIATIONS.

SB 1577, PN 2086 By Rep. McCLATCHY

An Act making an appropriation to the County Commissioners of Fayette County.

APPROPRIATIONS.

SB 1578, PN 2087 By Rep. McCLATCHY

An Act making an appropriation to the Beacon Lodge Camp.

APPROPRIATIONS.

SB 1579, PN 2088 By Rep. McCLATCHY

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

SB 1580, PN 2089 By Rep. McCLATCHY

An Act making an appropriation to the Home for Crippled Children, Pittsburgh, Pennsylvania.

APPROPRIATIONS.

SB 1581, PN 2090 By Rep. McCLATCHY

An Act making an appropriation to Children's Heart Hospital, Philadelphia, Pennsylvania.

APPROPRIATIONS.

SB 1582, PN 2091 By Rep. McCLATCHY

An Act making an appropriation to the Trustees of the University of Pittsburgh for the general maintenance and operation of the Western Psychiatric Institute and Clinic.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 2808, PN 3859 By Rep. McCLATCHY

An Act amending the "Municipality Authorities Act of 1945," approved May 2, 1945 (P. L. 382, No. 164), further providing for acquisition of existing facilities and providing for the composition of the board of certain Authorities.

APPROPRIATIONS.

HB 2439, PN 3994 (Amended)

By Rep. McCLATCHY

An Act amending "The Local Tax Enabling Act," approved December 31, 1965 (P. L. 1257, No. 511), repealing occupation taxes based on a percentage millage or flat rate basis, repealing per capita taxes, further providing for credits to and deductions from taxes owed to political subdivisions ***

APPROPRIATIONS.

RESOLUTION REPORTED FROM COMMITTEE

HR 249, PN 3919

By Rep. RYAN

Speaker appoint a Bipartisan Committee to study and investigate the purchase of portable wheel scales.

RULES.

REPORT FROM RULES COMMITTEE

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, the Rules Committee has instructed me to make a motion to move the following bills from the table to the active calendar, and I so move:

HB 2489, PN 3941;

HB 2896, PN 3870;

SB 456, PN 2125;

SB 1410, PN 1791;

SB 1427, PN 1830;

SB 1428, PN 1831;

SB 1429, PN 2110;

SB 1454, PN 1876;

SB 237, PN 1793;

HB 2386, PN 3977; and

HB 2828, PN 3765.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**ADDITIONS AND DELETION
OF SPONSORSHIPS**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I would like to submit the additions and deletion of sponsorships in accordance with our rules.

ADDITIONS:

HB 265, Steighner 71; HB 2913, McVerry 182; HB 2943, Irvis 12; HB 2943, McIntyre 205; HB 2895, R. Clark 92; HB 2895, Klingaman 64; HR 250, McIntyre 205; HR 250, Irvis 12; HR 250, Serafini 20; HR 249, Spencer 59; HR 249, Wilt 193.

DELETION:

HB 2647, Pistella 154.

**BILLS REMOVED FROM TABLE
FOR CALENDAR**

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that the following Senate bills be removed from the table and placed on the

active calendar: SB's 1531 through and including SB 1582, as well as HB's 2439, 2808, 2929, 2930, and 2944.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that SB 1172 and HB 2542 be recommitted to the Committee on Appropriations. HB 2542 was the bill, Mr. Speaker, that was just reported out of the Finance Committee that needs a fiscal note.

The SPEAKER. The majority leader, Mr. Ryan, moves that HB 2542 and SB 1172 be taken from the table and recommitted to the Committee on Appropriations.

On the question,
Will the House agree to the motion?
Motion was agreed to.

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate informed that the Senate has concurred in **HB 1842, PN 2268**; and **HB 2678, PN 3547**.

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED FOR CONCURRENCE

The Senate returned the following House bill with amendments in which concurrence of the House is requested:

HB 2645 PN 3904.

The SPEAKER. The bill will appear on the calendar.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 1842, PN 2678

An Act amending the act of May 31, 1911 (P. L. 468, No. 193), referred to as the State Highway Department Law, deleting a portion of Route 167 in Pike County and conveying and ceding jurisdiction to such route to the United States Government.

HB 2678, PN 3547

An Act making an appropriation to the Pennsylvania College of Podiatric Medicine, Philadelphia, Pennsylvania.

MEMBERS' PRESENCE RECORDED

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Sweet, and the gentleman from

Delaware, Mr. Spitz, who ask that their names be added to the master roll.

REMARKS ON VOTES

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Richardson. For what purpose does the gentleman rise?

Mr. RICHARDSON. Mr. Speaker, I was out of my seat on HB 2822, the motion to recommit. I would like to be recorded in the affirmative. On HB 2617, final passage, I would like to be recorded in the affirmative. On HB 427, I would like to be recorded in the affirmative on final passage. On the motion to reconsider HB 2077, I would like to be recorded in the affirmative. On the motion to table HB 2077, I also would like to be recorded in the affirmative, Mr. Speaker. Thank you very much.

The SPEAKER. The gentleman's remarks will be spread upon the record.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1343, PN 2140 (Amended)

By Rep. A. C. FOSTER

An Act amending the act of June 23, 1931 (P. L. 932, No. 317), entitled "The Third Class City Code," prohibiting fee sharing among city officers, employes and consultants or persons contracting for personal services with the city.

LOCAL GOVERNMENT.

DEMOCRATIC CAUCUS

Mr. IRVIS. Mr. Speaker, may I interrupt for a moment?

The SPEAKER. Does the majority leader yield to the minority leader at this time?

Mr. RYAN. Yes, sir.

The SPEAKER. The Chair recognizes the minority leader.

Mr. IRVIS. I apologize for interrupting the orderly flow, but I must leave the floor of the House for a few moments, and I do want our members to know that there is a very, very important Democratic caucus called for 4 o'clock. We have a person from national headquarters coming in. We are going to be talking about national and statewide political events, and I would very much like to have you in attendance at 4 o'clock in our caucus room. Thank you, Mr. Speaker.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, it is my understanding that the minority leadership have business to attend to right now.

We, on the majority side, will have a caucus now to go over all of the bills that were just placed on the calendar. All the nonpreferreds have just come out of committee, having passed the Senate. They were removed from the

table and placed on our active calendar. We will have no further votes today, but we will have an immediate caucus.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over.

The Chair hears no objection.

WELCOMES

The SPEAKER. The Chair welcomes to the front of the House the wife of a former member of this House, Mrs. Peg Wescott, who is the guest today of Miss Sirianni.

The Chair welcomes to the front of the House Louise Fischer, the mother of Mr. Roger Raymond Fischer, who is here in Harrisburg today attending a conference for retired teachers.

ADJOURNMENT

The SPEAKER. The Chair recognizes the majority leader.

Mr. RYAN. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 1, 1980, at 11 a.m., e.d.t.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:23 p.m., e.d.t., the House adjourned.